

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 4-7, 9-10, 16-19, 21-26 and 28-29 have been amended. Claims 1-3, 11-15 and 30-36 have been previously cancelled. No new claims have been added. Therefore, claims 4-10 and 16-29 are presented for examination.

### 35 U.S.C. § 112 Rejection

Claim 4 is rejected under 35 U.S.C. §112, first paragraph. Claim 4 has been amended thus obviating this rejection. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

Claim 9 is rejected under 35 U.S.C. §112, second paragraph. Claim 9 has been amended thus obviating this rejection. Accordingly, Applicant respectfully requests that the rejection be withdrawn.

### 35 U.S.C. § 102 Rejection

Claims 4, 5, 7, 16, 17, 19, 23, 24 and 26 are rejected under 35 U.S.C. §102(e) as being anticipated by Watanabe, U.S. Publication No. 2002/0144134 (hereinafter “Watanabe”).

Watanabe discloses “a *software defined radio and an approval system of a radio* which can flexibly cope with specification alteration.” (Abstract; emphasis provided). Watanabe further discloses that a “*predetermined agency conducts inspection . . . [of] software.*” (page 5, paragraph 56; emphasis provided). Further, Watanabe discloses “determining in a radio *after downloading [the software]* whether [the] downloaded software is regular *information which is not falsified.*” (page 1, paragraph 8; emphasis

provided).

Claim 4, in pertinent part recites, “prior to downloading the radio protocol to a baseband module, determining whether the radio protocol meets certification requirements of a third-party certification authority, [and] if the radio protocol meets the certification requirements, downloading the radio protocol.” (emphasis provided).

Watanabe fails to teach or reasonably suggest such a feature. Instead, Watanabe *first downloads the software*, then determines *at the radio* if the software is falsified or not. (see page 1, paragraph 8). However, claim 4 prior to downloading the radio protocol to the baseband module, first determines if the radio protocol meets third-party certification requirements. Thus, the baseband module does not run the risk of losing certification integrity by downloading a non-compliant radio protocol. (see Specification at page 3, paragraph 9). Accordingly, Applicant respectfully requests that the rejection of claim 4 and its dependent claims be withdrawn.

Claims 16 and 23 contain limitations similar to those of claims 4. Accordingly, for the reasons stated above with respect to claim 4, Applicants respectfully request the withdrawal of the rejection of claims 16 and 23 and their dependent claims.

### **35 U.S.C. § 103 Rejections**

Claims 6, 18 and 25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Schneier, “Applied Cryptography, Second Edition”, (hereinafter “Schneier”).

Claims 8, 9, 20, 21, 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Mayer, U.S. Patent No. 4,442,486, (hereinafter “Mayer”).

Claims 10, 22 and 29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Watanabe in view of Mayer, and further in view of Schneier.

Claims 8-10, 18, 20-22, 25 and 27-29 depend from independent claims 4, 16 and 23, and thus include all the limitations of their base claim. Accordingly, Applicant respectfully requests the withdrawal of rejection of claims 8-10, 18, 20-22, 25 and 27-29.

### **Conclusion**

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

### **Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

### **Request for an Extension of Time**

Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

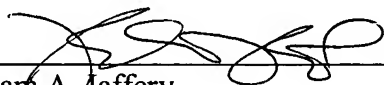
### **Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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